

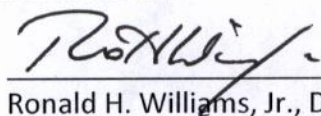
September 15, 2015

To the Honorable Council  
City of Norfolk, Virginia

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special exception to approve an alternative fence location at 231 West Balview Avenue  
– William Braun**

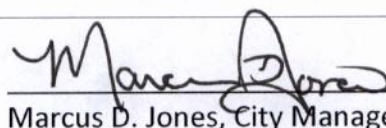
Reviewed:



Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 5/6

Approved:



Marcus D. Jones, City Manager

Item Number:

**R-6**

- I. **Staff Recommendation: Approval.**
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – alternative fence location.
- IV. **Applicant: William Braun**
- V. **Description:**
  - This request is to allow a six foot solid fence on the property line of a corner side yard which is permitted by Special Exception.
  - Last year, the standards for fences within neighborhoods were changed to allow solid fences to be located closer to the corner side yard property line when the site is on slower neighborhood streets.
    - If the applicant chooses not to build to these standards they can apply for a Special Exception.
  - The applicant is seeking approval for the existing fence on site that was installed without zoning approval.

Staff point of contact: Robert Tajan at 664-4756, [robert.tajan@norfolk.gov](mailto:robert.tajan@norfolk.gov)

**Attachments:**

- Staff Report to CPC dated August 27, 2015 with attachments
- Proponents and Opponents
- Ordinance



# City of NORFOLK

## Planning Commission Public Hearing: August 27, 2015

Executive Secretary: <sup>69</sup>George M. Homewood, AICP, CFM *LHW*

Planner: Robert J. Tajan, AICP, CFM *RTJ*

Staff Report	Item No. <span style="background-color: #cccccc; padding: 2px 10px;">7</span>	
Address	231 West Balview Avenue	
Applicant	William J. Braun	
Request	Special Exception to approve an alternative fence location	
Property Owner	Virginia Jacobs	
Site Characteristics	Site Area	6,875 sq. ft.
	Zoning	R-11 (Moderate Density Multi-Family) district
	Neighborhoods	Ocean View
	Character District	Suburban
Surrounding Area	North	R-12 (Medium Density Multi-Family) and BFRPO (Bay Front Residential Parking Overlay) districts
	East	R-11: single-family homes
	South	R-11: single-family homes
	West	R-11: single-family homes





### Summary of Request

This request is to allow a six foot solid fence on the property line of a corner side yard which is permitted by Special Exception.

### B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as residential mixed.

### C. Zoning Analysis

#### i. General

- The site is zoned R-12 which permits the existing single-family residential use.
- The applicant has installed a six foot solid fence that does not meet the current zoning requirements for an administrative approval.
- Last year, the standards for fences within neighborhoods were changed to allow solid fences to be located closer to the corner side yard property line when the site is on slower neighborhood streets.
- Chapter 13-2, Fences and Walls, allows for fences to be approved administratively within the corner side yard if the following criteria are met:
  - The fence must be setback three feet from the corner side property line and the area between the fence and property line must be a grass or landscaped area.
  - The fence cannot extend closer to the front of the residence than the rearmost portion of the structure.
    - The existing fence does not meet this requirement.
  - The finished side of the fence must face the street have a cap that extends the length of the fence.
- If the applicant chooses not to build to these standards they can apply for a Special Exception.
- All alternative fence approvals require the fence to be located outside the required site triangles for driveways and be no taller than six feet tall.
- The applicant is seeking approval for the existing fence on site that was installed without zoning approval.
- The existing fence does not meet the administrative approval requirements, however, the fence does not obstruct any views and is four feet away from the existing sidewalk.
  - The requirement for the three foot setback from the property line is to assure a minimum distance from the sidewalk to keep pedestrians safe.
- The existing fence also goes further than the rear most portion of the residence.
  - The regulations were to allow property owners to enclose their backyard

#### ii. Parking

The existing parking area at the rear of the property is not obstructed by the existing fence.

iii. Flood Zone

The property is in the X Flood Zone, which is a low risk flood zone.

**D. Transportation Impacts**

- The existing fence is not obstructing any required site triangles on the property.
  - This allows for pedestrians and motorists to see or be seen by the vehicles exiting the property.
- The fence meets the intent of the three foot setback from the property line by being located four feet from the sidewalk, which allows room for pedestrians and cyclists on the sidewalk without the feeling of being pushed towards the street by the fence.

**E. Impact on the Environment**

There do not appear to be any opportunities to improve landscaping or reduce impervious surfaces through this application.

**F. Impact on Surrounding Area/Site**

By requiring this use to conform to the condition listed below, the proposed fence should not have a negative effect on pedestrians or the surrounding neighborhood.

**G. Payment of Taxes**

The owner of the property is current on all real estate taxes.

**H. Civic League**

- Notice was sent to the Ocean View Civic League on July 15.

**I. Communication Outreach/Notification**

- Legal notice was posted on the property on July 14.
- Letters were mailed to all property owners within 300 feet of the property on August 14.
- Legal notification was placed in *The Virginian-Pilot* on August 13 and August 20.

**J. Recommendation**

Staff recommends that the special exception request be **approved** subject to the condition shown below:

- The existing portion of the solid fence that extends past the rear most portion of the residence shall either be removed, altered to not pass the rear most portion of the residence, altered to be 50% transparent, or altered to 2.5 feet tall.

**Attachments**

Location Map

Zoning Map

Site photos

Application

Notice to the Ocean View Civic League

## **Proponents and Opponents**

### **Proponents**

William Braun – Applicant  
231 W. Balview Avenue  
Norfolk, VA 23503

### **Opponents**

None



8/21/2015 lds

Form and Correctness Approved

By

Office of the City Attorney

Contents Approved:

By

DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE CONSTRUCTION OF A FENCE ON PROPERTY LOCATED AT 231 WEST BALVIEW AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the construction of a fence on property located at 231 West Balview Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 55 feet, more or less, along the southern line of West Balview Avenue and 125 feet, more or less, along the eastern line of Capitol Avenue; premises numbered 231 West Balview Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following condition:

- (a) The fence shall be located as indicated on the survey attached hereto and marked as "Exhibit A."

Section 2:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is

located;

- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be

recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:  
Exhibit A (1 page)



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Exhibit A (1 page)

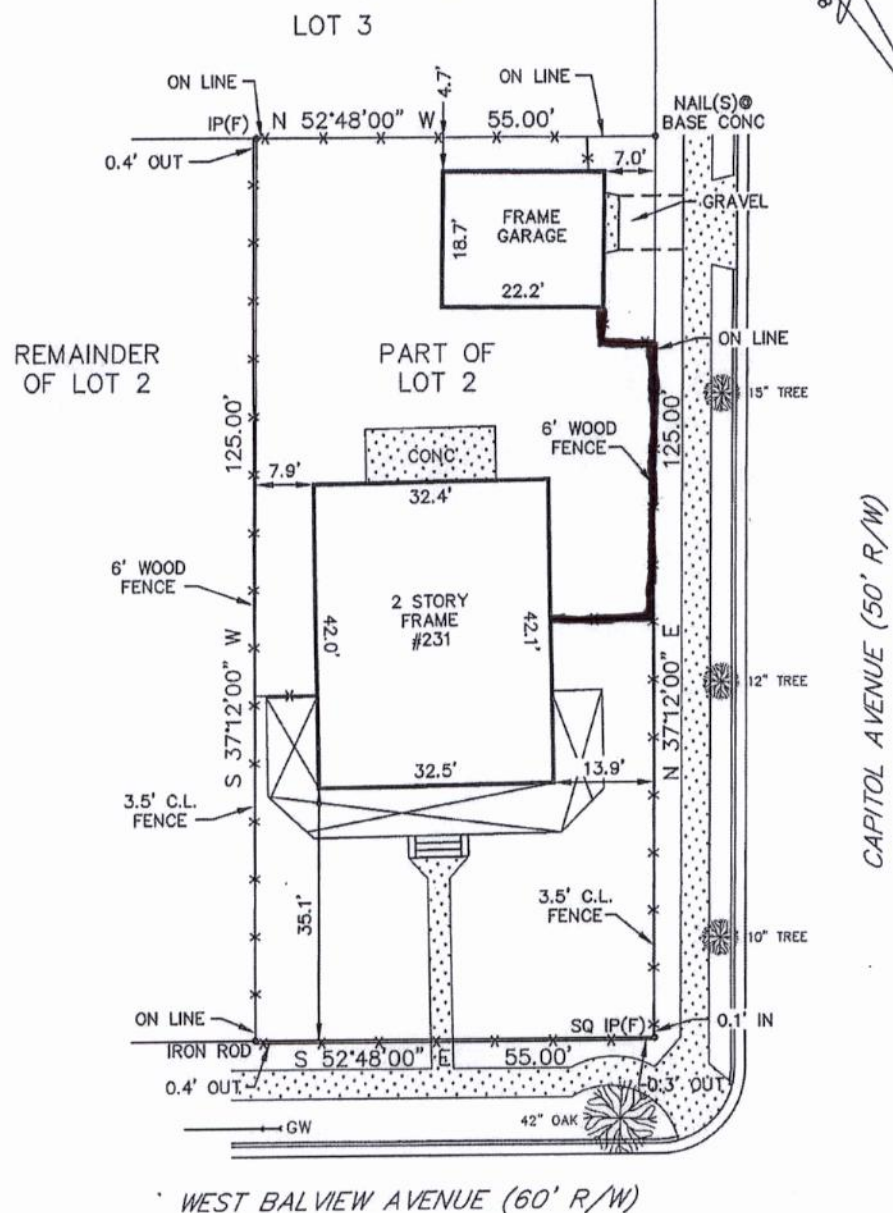
# Exhibit A

THIS IS TO CERTIFY THAT I, ON FEB. 5, 2015, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS EXCEPT AS SHOWN.

SIGNED: *Ward M. Holmes*

## NOTES:

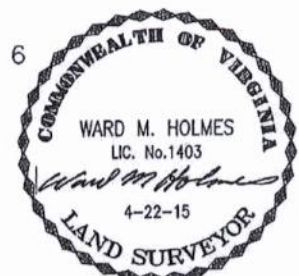
- 1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "X" (UNSHADED) FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0020F REVISED SEPT. 2, 2009.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.



PHYSICAL SURVEY  
OF  
WESTERN 55' OF LOT 2, BLOCK 6  
DULWICH PLACE  
NORFOLK, VIRGINIA  
FOR  
WILLIAM BRAUN

REVISED: APRIL 22, 2015  
DATE: FEB. 5, 2015  
SCALE: 1" = 20'  
NOTE: FOR PLAT SEE  
M.B. 6 PG. 38-39  
CHESAPEAKE, VA

WARD M. HOLMES  
LAND SURVEYOR, P.C.  
9225 GRANBY STREET  
NORFOLK, VIRGINIA 23503  
757-480-1230



DRAWN BY: WTL

PROJECT NO. 15-099



**Location Map**



W BALVIEW AVENUE

CAPITOL AVENUE

STATLER STREET

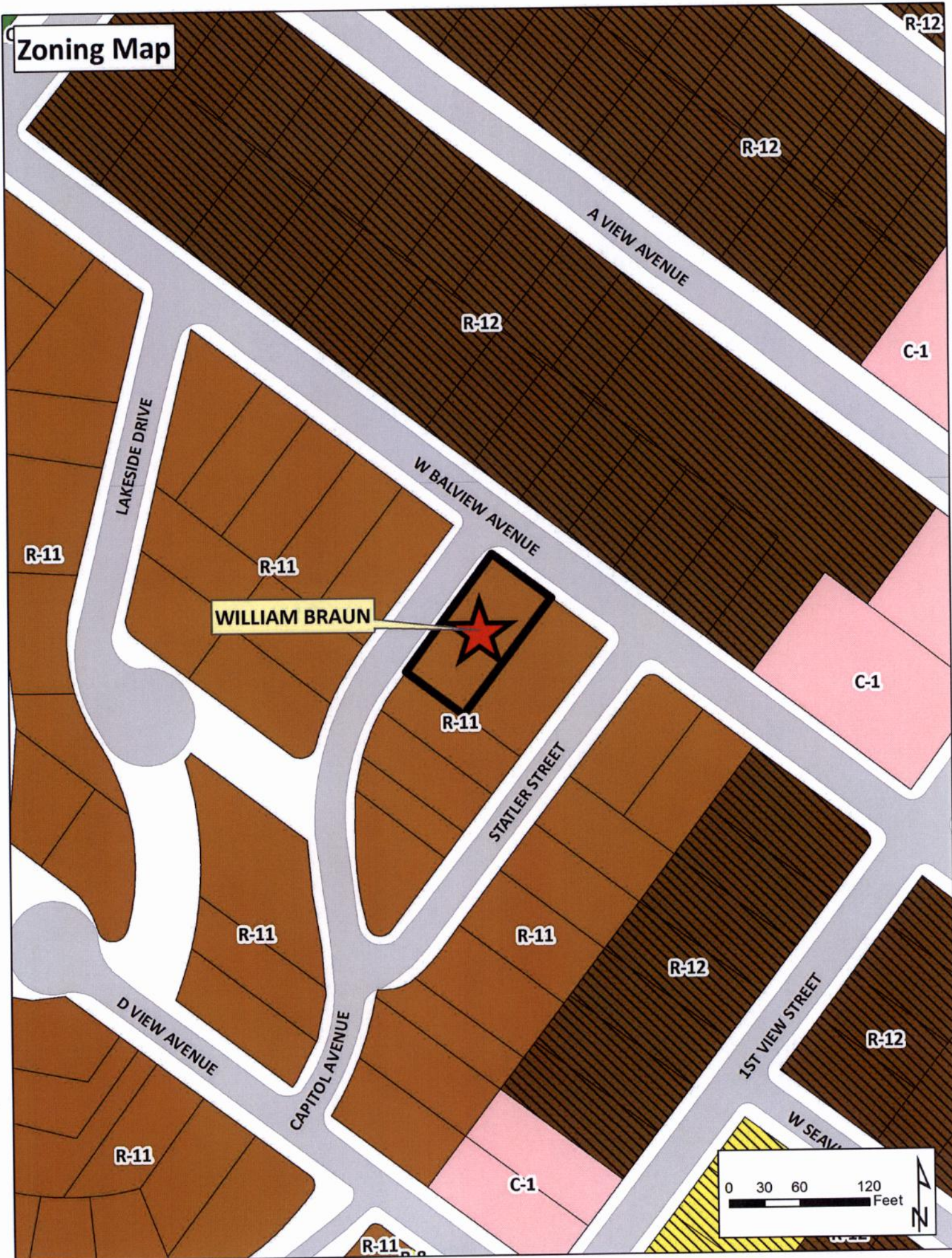
WILLIAM BRAUN

0 12.5 25 50 Feet





# Zoning Map















## APPLICATION SPECIAL EXCEPTION

Special Exception for: fence

Date of application: 6-11-13

### DESCRIPTION OF PROPERTY

Property location: (Street Number) 231 (Street Name) Balview

Existing Use of Property Residential existing fence

Current Building Square Footage N/A

### Proposed Use

Keep existing fence in current location

Proposed Square Footage N/A

### Proposed Hours of Operation:

Weekday From  To

Friday From  To

Saturday From  To

Sunday From  To

N/A

Trade Name of Business (If applicable)

### DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

**APPLICANT**

E-mail address of applicant: william@humboldt.com

**AUTHORIZED AGENT (if applicable)**  
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

E-mail address of applicant:

Daytime telephone number of owner (757) 636-3469 email: accounting@hmbuck.com

(Revised January, 2015)

**CIVIC LEAGUE INFORMATION**

Civic League contact: Albert Saunders leidingnorfolk@cox.net

Date(s) contacted: \_\_\_\_\_

Ward/Super Ward information: \_\_\_\_\_

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Virginia C. Jacobs Sign: Virginia C. Jacobs 10-30-15  
(Property Owner or Authorized Agent of Signature) (Date)

Print name: \_\_\_\_\_ Sign: / / \_\_\_\_\_  
(Applicant) (Date)

**ONLY NEEDED IF APPLICABLE:**

Print name: \_\_\_\_\_ Sign: / / \_\_\_\_\_  
(Authorized Agent Signature) (Date)